

**144A.19 BOARD OF EXECUTIVES FOR LONG TERM SERVICES AND SUPPORTS.**

Subdivision 1. **Creation; membership.** There is hereby created the Board of Executives for Long Term Services and Supports which shall consist of the following members:

- (1) a designee of the commissioner of health who shall be a nonvoting member;
- (2) a designee of the commissioner of human services who shall be a nonvoting member; and
- (3) the following members appointed by the governor:
  - (i) one licensed nursing home administrator member actively engaged in the management, operation, or ownership of nursing homes;
  - (ii) one licensed nursing home administrator or health services executive member actively engaged in the management, operation, or ownership of proprietary nursing homes or assisted living facilities;
  - (iii) one licensed nursing home administrator or health services executive member actively engaged in the management or operation of nonprofit nursing homes or assisted living facilities;
  - (iv) one licensed assisted living facility director member actively engaged in the management, operation, or ownership of assisted living facilities;
  - (v) one member actively engaged in the practice of medicine;
  - (vi) two members actively engaged in the practice of professional nursing, one practicing in nursing homes and one practicing in assisted living facilities; and
  - (vii) three public members as defined in section 214.02. Public members may not be current health-related license holders.

Subd. 2. **Provisions.** Membership terms, compensation of members, removal of members, the filling of membership vacancies, fiscal year and reporting requirements, the provision of staff, administrative services and office space, the review and processing of complaints, the setting of board fees and other provisions relating to board operations for the board of executives shall be as provided in chapter 214.

Subd. 3. [Repealed, 1999 c 102 s 7]

**History:** 1976 c 173 s 19; 1977 c 305 s 45; 1977 c 347 s 24; 1977 c 444 s 10; 1984 c 654 art 5 s 58; 1986 c 444; 1999 c 102 s 1; 2019 c 60 art 4 s 6; 2020 c 83 art 1 s 35

**144A.20 ADMINISTRATOR QUALIFICATIONS.**

Subdivision 1. **Criteria.** The Board of Executives may issue licenses to qualified persons as nursing home administrators or assisted living directors, and shall establish qualification criteria for nursing home administrators and assisted living directors.

Subd. 2. [Repealed, 1999 c 102 s 7]

Subd. 3. **Nursing home administrator qualifications.** The Board of Executives may issue licenses to qualified persons as a nursing home administrator and shall approve training and examinations. No license shall be issued to a person as a nursing home administrator unless that person:

(1) is at least 21 years of age and otherwise suitably qualified;

(2) has satisfactorily met standards set by the Board of Executives. The standards shall be designed to assure that nursing home administrators are individuals who, by training or experience, are qualified to serve as nursing home administrators; and

(3) has passed an examination approved by the board and designed to test for competence in the subject matters referred to in clause (2), or has been approved by the Board of Executives through the development and application of other appropriate techniques.

Subd. 4. **Assisted living director qualifications; ongoing training.** (a) The Board of Executives may issue licenses to qualified persons as an assisted living director and shall approve training and examinations. No license shall be issued to a person as an assisted living director unless that person:

(1) is eligible for licensure;

(2) has applied for licensure under this subdivision within six months of hire; and

(3) has satisfactorily met standards set by the board or is scheduled to complete the training in paragraph (b) within one year of hire. The standards shall be designed to assure that assisted living directors are individuals who, by training or experience, are qualified to serve as assisted living directors.

(b) In order to be qualified to serve as an assisted living director, an individual must:

(1) have completed an approved training course and passed an examination approved by the board that is designed to test for competence and that includes assisted living facility laws in Minnesota;

(2)(i) currently be licensed as a nursing home administrator or have been validated as a qualified health services executive by the National Association of Long Term Care Administrator Boards; and

(ii) have core knowledge of assisted living facility laws; or

(3) apply for licensure by July 1, 2021, and satisfy one of the following:

(i) have a higher education degree in nursing, social services, or mental health, or another professional degree with training specific to management and regulatory compliance;

(ii) have at least three years of supervisory, management, or operational experience and higher education training applicable to an assisted living facility;

(iii) have completed at least 1,000 hours of an executive in training program provided by an assisted living director licensed under this subdivision; or

(iv) have managed a housing with services establishment operating under assisted living title protection for at least three years.

(c) An assisted living director must receive at least 30 hours of training every two years on topics relevant to the operation of an assisted living facility and the needs of its residents. An assisted living director must maintain records of the training required by this paragraph for at least the most recent three-year period and must provide these records to Department of Health surveyors upon request. Continuing education earned to maintain another professional license, such as a nursing home administrator license, nursing license, social worker license, mental health professional license, or real estate license, may be used to satisfy this requirement when the continuing education is relevant to the assisted living services offered and residents served at the assisted living facility.

**History:** 1976 c 173 s 20; 1986 c 444; 1996 c 451 art 4 s 23; 1999 c 102 s 2; 2019 c 60 art 4 s 7-9

**144A.21 ADMINISTRATOR AND DIRECTOR LICENSES.**

Subdivision 1. **Transferability.** A nursing home administrator's license shall not be transferable. An assisted living director's license shall not be transferable.

Subd. 2. **Rules; renewal.** The Board of Executives by rule shall establish forms and procedures for the processing of license renewals. A nursing home administrator's license or an assisted living director's license may be renewed only in accordance with the standards adopted by the Board of Executives pursuant to section 144A.24.

Subd. 3. [Repealed, 1977 c 444 s 21]

Subd. 4. [Repealed, 1977 c 444 s 21]

**History:** 1976 c 173 s 21; 1977 c 444 s 11; 2019 c 60 art 4 s 10

**144A.22 ORGANIZATION OF BOARD.**

The Board of Executives shall elect from its membership a chair, vice-chair and secretary-treasurer, and shall adopt rules to govern its proceedings. Except as otherwise provided by law the Board of Executives shall employ and fix the compensation and duties of an executive director and other necessary personnel to assist it in the performance of its duties. The executive director shall be in the unclassified service and shall not be a member of the Board of Executives.

**History:** *1976 c 173 s 22; 1985 c 247 s 25; 1986 c 444; 1999 c 102 s 3; 2019 c 60 art 4 s 34*

**144A.23 JURISDICTION OF BOARD.**

Except as provided in section 144A.04, subdivision 5, the Board of Executives shall have exclusive authority to determine the qualifications, skill and fitness required of any person to serve as an administrator of a nursing home or an assisted living director of an assisted living facility. The holder of a license shall be deemed fully qualified to serve as the administrator of a nursing home or director of an assisted living facility under chapter 144G.

**History:** *1976 c 173 s 23; 2019 c 60 art 1 s 47; art 4 s 11*

**144A.24 DUTIES OF THE BOARD.**

The Board of Executives shall:

(1) develop and enforce standards for licensing of nursing home administrators and assisted living directors. The standards shall be designed to assure that nursing home administrators and assisted living directors will be individuals of good character who, by training or experience, are suitably qualified to serve as nursing home administrators or assisted living directors;

(2) develop appropriate techniques, including examinations and investigations, for determining whether applicants and licensees meet the board's standards;

(3) issue licenses and permits to those individuals who are found to meet the board's standards;

(4) establish and implement procedures designed to assure that individuals licensed as nursing home administrators and assisted living directors will comply with the board's standards;

(5) receive and investigate complaints and take appropriate action consistent with chapter 214, to revoke or suspend the license or permit of a nursing home administrator or acting administrator or an assisted living director or acting director who fails to comply with sections 144A.18 to 144A.27 or the board's standards;

(6) conduct a continuing study and investigation of nursing homes and assisted living facilities, and the administrators of nursing homes and assisted living directors within the state, with a view to the improvement of the standards imposed for the licensing of administrators and directors and improvement of the procedures and methods used for enforcement of the board's standards; and

(7) approve or conduct courses of instruction or training designed to prepare individuals for licensing in accordance with the board's standards. The board may approve courses conducted within or without this state.

**History:** 1976 c 173 s 24; 1980 c 509 s 45; 1999 c 102 s 4; 2019 c 60 art 4 s 12

**144A.26 RECIPROCITY WITH OTHER STATES AND EQUIVALENCY OF HEALTH SERVICES EXECUTIVE.**

Subdivision 1. **Reciprocity.** The Board of Executives may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those prevailing in this state and that the applicant is otherwise qualified.

Subd. 2. **Health services executive license.** The Board of Executives may issue a health services executive license to any person who (1) has been validated by the National Association of Long Term Care Administrator Boards as a health services executive, and (2) has met the education and practice requirements for the minimum qualifications of a nursing home administrator, assisted living director, and home and community-based service provider. Licensure decisions made by the board under this subdivision are final.

**History:** 1976 c 173 s 27; 2019 c 60 art 4 s 15



**144A.251 MANDATORY PROCEEDINGS.**

In addition to its discretionary authority to initiate proceedings under section 144A.24 and chapter 214, the Board of Executives shall initiate proceedings to suspend or revoke a nursing home administrator or assisted living director license or shall refuse to renew a license if within the preceding two-year period the administrator or director was employed at a nursing home or assisted living facility which during the period of employment incurred the following number of uncorrected violations, which violations were in the jurisdiction and control of the administrator or director and for which a fine was assessed and allowed to be recovered:

(1) two or more uncorrected violations which created an imminent risk of harm to a nursing home or assisted living facility resident; or

(2) ten or more uncorrected violations of any nature.

**History:** 1976 c 173 s 26; 1977 c 444 s 12; 1986 c 444; 2019 c 60 art 4 s 13

**144A.2511 COSTS; PENALTIES.**

If the Board of Executives has initiated proceedings under section 144A.24 or 144A.251 or chapter 214, and upon completion of the proceedings has found that a nursing home administrator or assisted living director has violated a provision or provisions of sections 144A.18 to 144A.27, it may impose a civil penalty not exceeding \$10,000 for each separate violation, with all violations related to a single event or incident considered as one violation. The amount of the civil penalty shall be fixed so as to deprive the nursing home administrator or assisted living director of any economic advantage gained by reason of the violation charged or to reimburse the board for the cost of the investigation and proceeding. For purposes of this section, the cost of the investigation and proceeding may include, but is not limited to, fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, and reproduction of records.

**History:** 2003 c 66 s 1; 2019 c 60 art 4 s 14

**NOTE:** The amendment to this section by Laws 2019, chapter 60, article 4, section 14, is effective August 1, 2021. Laws 2019, chapter 60, article 4, section 14, the effective date.

**144A.252 IMMUNITY.**

Members of the Board of Executives for Long Term Services and Supports and persons employed by the board or engaged in the investigation of violations and in the preparation and management of charges of violations of sections 144A.18 to 144A.27, or of rules adopted pursuant to sections 144A.18 to 144A.27 on behalf of the board, are immune from civil liability and criminal prosecution for any actions, transactions, or publication in execution of, or relating to, their duties under sections 144A.18 to 144A.27 provided they are acting in good faith.

**History:** *1999 c 102 s 5; 2019 c 60 art 4 s 34*

**144A.291 FEES.**

Subdivision 1. **Nonrefundable fees.** All fees are nonrefundable.

Subd. 2. **Amounts.** (a) Fees may not exceed the following amounts but may be adjusted lower by board direction and are for the exclusive use of the board as required to sustain board operations. The maximum amounts of fees are:

- (1) application for licensure, \$200;
- (2) for a prospective applicant for a review of education and experience advisory to the license application, \$100, to be applied to the fee for application for licensure if the latter is submitted within one year of the request for review of education and experience;
- (3) state examination, \$125;
- (4) initial license, \$250 if issued between July 1 and December 31, \$100 if issued between January 1 and June 30;
- (5) acting permit, \$400;
- (6) renewal license, \$250;
- (7) duplicate license, \$50;
- (8) reinstatement fee, \$250;
- (9) health services executive initial license, \$250;
- (10) health services executive renewal license, \$250;
- (11) reciprocity verification fee, \$50;
- (12) second shared assignment, \$250;
- (13) continuing education fees:
  - (i) greater than six hours, \$50; and
  - (ii) seven hours or more, \$75;
- (14) education review, \$100;
- (15) fee to a sponsor for review of individual continuing education seminars, institutes, workshops, or home study courses:
  - (i) for less than seven clock hours, \$30; and
  - (ii) for seven or more clock hours, \$50;
- (16) fee to a licensee for review of continuing education seminars, institutes, workshops, or home study courses not previously approved for a sponsor and submitted with an application for license renewal:
  - (i) for less than seven clock hours total, \$30; and
  - (ii) for seven or more clock hours total, \$50;

(17) late renewal fee, \$75;

(18) fee to a licensee for verification of licensure status and examination scores, \$30;

(19) registration as a registered continuing education sponsor, \$1,000;

(20) mail labels, \$75; and

(21) annual assisted living program education provider fee, \$2,500.

(b) The revenue generated from the fees must be deposited in an account in the state government special revenue fund.

**History:** *1Sp2019 c 9 art 10 s 1; 7Sp2020 c 1 art 6 s 2*